

22



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,669	08/03/2001	Nicolaas Cornelius Van Zyl	1918-010967	6713

7590 05/14/2002

Russell D Orkin
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818

EXAMINER

SEMUNEGUS, LULIT

ART UNIT	PAPER NUMBER
----------	--------------

3641

DATE MAILED: 05/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/890,669

Applicant(s)

VAN ZYL, NICOLAAS CORNELIUS

Examiner

Lulit Semunegus

Art Unit

3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-46 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 24-46 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Objections

1. Claims 24, 44 and 46 are objected to because of the following informalities:
There seems to be a grammatical error where applicant states "a shot is in use fired" on page 2, line 5 and line 6 of claim 24, on page 5, line 4 of claim 44 and page 5, last two lines of claim 46. Appropriate correction is required.
2. For claims 24 and 46, it is suggested that the spelling of the words "unauthorised" and "characterised" be changed to "unauthorized" and "characterized".

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 24 and 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 24 and 42 recite the limitation "the group" in page 2, lines 4-5 and para. 6, line 4, respectively, there is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application

published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

6. Claims 24, 29-30, 34-41 and 46 are rejected under 35 U.S.C. 102(e) as being anticipated by Whalen et al (6,185,852).

In regards to claim 24, Whalen et al teach a firearm device comprising: a firearm (100); safety means for impeding an unauthorized person to fire the firearm (10); and information storage means (129) for recording and storing at least one aspect of the group consisting of an image in the direction in which a shot is fired, and a sound at about the time when a shot is in use (col. 4, lines 18-22).

As to claim 29, Whalen et al teach the safety means (10) comprises an information carrier and/or gathering means (129); and a processing means for processing information (130) received from the information carrier and/or gathering means and allowing firing of the firearm to take place only if the information so received complies with certain requirements (col. 6, lines 4-14).

As to claim 30, Whalen et al teach the information carrier and/or gathering means includes an information carrier means whereupon information can be recorded (129).

As to claim 34, Whalen et al teach the safety means includes reading means for reading information on the information carrier means (115,129).

As to claim 35, Whalen et al teach the information carrier and/or gathering means includes information gathering means for gathering certain physical information from the person to use the firearm, whereby the person can be identified (col. 5, lines 5-15).

As to claim 36, Whalen et al teach the information gathering means is located on an operatively rear surface of a grip member of the device (fig. 6).

As to claim 37, Whalen et al teach the gathering means comprises means for recording a fingerprint of the person to use the firearm (115, 129).

As to claim 38, Whalen et al teach the means for recording a fingerprint is located on an operatively rear side of a grip member of the device (fig. 3).

As to claim 39, Whalen et al teach the gathering means is located on the device such that a fingerprint of a user of the device can be recorded when the device is located in a holster (fig. 5), where inherently the accessibility of the recorder is dependent upon on many kind of holster in the market.

As to claim 40, Whalen et al teach the information carrier and/or gathering means includes both an information carrier means and an information gathering means (126).

As to claim 41, Whalen et al teach the processing means includes a memory means for storing information therein and the processing means in use comparing information received from the information carrier and/or gathering means with information on the memory means and only allowing firing to take place if the information corresponds (col. 4, lines 49-61).

As to claim 46, Whalen et al teach, a firearm (100); and a safety means being characterized therein that it comprises an information carrier and gathering means defining an information carrier means (129) separable from the firearm device whereon information can be recorded (115), and an information gathering means for gathering information from the person to use the firearm (126); and the safety means further

comprising processing means (130) for processing information received from the information carrier and gathering means and allowing firing of the firearm to take place only if the information so received complies with certain requirements (col. 2, lines 8-12), and recording at least one aspect of the group consisting of an image in the direction in which a shot is fired, a sound at about the time when a shot is in use (col. 4, lines 18-22).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whalen et al (6,185,852) in view of WO-A-98 55 817 hereafter referred to as D1. Whalen et al teach all the limitations of claims 31-33 as taught above in claims 24, 29-30, 34-41 and 46, including the identifying information comprising of a fingerprint. Whalen et al do not teach the carrier means comprising of a card. D1 teaches a card as a carrier means where the card has information recorded in respect to physical information of the authorized user for identifying the user where the identifying information (col. 3, lines 11-17).

At the time of the invention, it would have been obvious to one ordinary skilled in the art to combine the card taught in D1 with Whalen et al. The motivation of doing so would be to have multiple users where the card can be used as the information carrier

means so different authorized users can use the same firearm where each is identified by their identifying information stored in their respective information carrier means.

9. Claims 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whalen et al (6,185,852) in view of WO-A-98 55 817 hereafter referred to as D1 and Eppler (5,062,232). Whalen et al teach all the limitations of claims 25-28 as taught above in claims 24, 29-30, 34-41 and 46 except the information storage means (129) storing a unique code relative to each projectile fired and the firearm including a laser system.

As to claim 25, D1 teaches the information storage means storing a unique code relating to each projectile fired (col. 3, line 1-3).

As to claim 26, Eppler teaches the firearm includes a laser system for generating a laser beam to ignite a charge to fire a projectile (col. 3, lines 29-35).

As to claim 27, Eppler teaches the firearm includes an electronic system for controlling firing of the firearm (20).

As to claim 28, D1 teaches the firearm includes a number of barrels (14,15) and wherein the barrels are pre-loaded with projectiles and charges.

At the time of the invention, it would have been obvious to one ordinary skilled in the art to combine the laser beam of Eppler and the number of barrels of D1 since D1 teaches it is well known in the art to have multiple numbers of barrels. The motivation for having a laser system to ignite would have been to provide more accurate aim of the projectile. Therefore, it would have been obvious to combine Whalen et al, D1 and Eppler to obtain the invention as specified in claims 25-28.

Art Unit: 3641

10. Claims 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whalen et al (6,185,852) in view of WO-A-98 55 817 hereafter referred to as D1 and Myers (4,907,022).

Whalen et al teach all the limitations of claims 42-45 as taught above in claims 24, 29-30, 34-41 and 46 including the information storage means is arranged to store data from the device (129) and a microphone for recording sound (col. 4, line 54).

Whalen et al do not expressly teach a digital camera, a timepiece and a GPS. D1 teaches a timepiece for recording time and a GPS (page 3, lines 27-32). Myers teaches a camera for recording images.

At the time of the invention, it would have been obvious to one ordinary skilled in the art to combine the camera of Myers and the timepiece and GPS system of D1 with Whalen et al. The motivation of doing so would be to have different methods of recording and storing data of real time and location activity during usage of the firearm. Furthermore, it would have been obvious to use Digital camera instead of the camera taught by Myers since it is well known in the art that digital camera will function equally well. The motivation of using digital camera would be instant views of the image.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Petrick et al (5,301,448) teach a firearm, which uses energy to ignite a projectile, and Buckley (4,309,095) teaches a firearm with Camera.

Art Unit: 3641

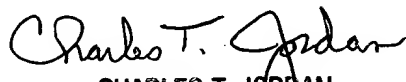
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lulit Semunegus whose telephone number is (703) 306-5960. The examiner can normally be reached on Mon-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on (703) 306-4198. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

.ls

May 8, 2002


CHARLES T. JORDAN
SUPERVISOR, PATENT EXAMINER
TECHNOLOGY CENTER 0000

Lulit Semunegus
Examiner
Art Unit 3641